

REMARKS

The examiner has indicated that the applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each of two different groups of species.

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The first group is outlined as:

- A first embodiment for calculating a ratio of an actual time interval to a predetermined time interval, as best illustrated in paragraph 0031, lines 6-1
- 10 ● A second embodiment for calculating a ratio of an actual time interval to a predetermined time interval, as best illustrated in paragraph 0031, lines 11-18

The second group is outlined as:

- 15 ● A first embodiment for using a compensation value to reduce a difference between a count value and a threshold value, as best illustrated in paragraph 0032, lines 4-8
- A second embodiment for using a compensation value to reduce a difference between a count value and a threshold value, as best illustrated in paragraph 0032, lines 9-15
- 20 ● A third embodiment for using a compensation value to reduce a difference between a count value and a threshold value, as best illustrated in paragraph 0032, lines 15-17

25 **Response:**

The applicant hereby elects the following species from the first group:

- 30 ● A first embodiment for calculating a ratio of an actual time interval to a predetermined time interval, as best illustrated in paragraph 0031, lines 6-1

for prosecution on the merits in response to the above election requirement. The

claims readable on the elected species are claims 5, 6, 22, 23.

Additionally, the applicant hereby confirms the previous election of the following species from the second group:

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- **A first embodiment for using a compensation value to reduce a difference between a count value and a threshold value, as best illustrated in paragraph 0032, lines 4-8**

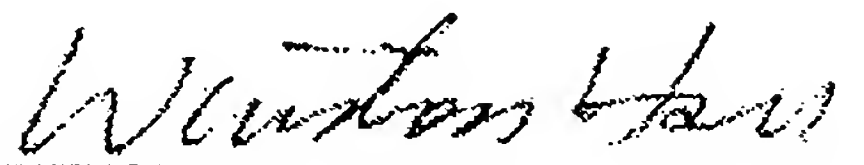
10 for prosecution on the merits in response to the above election requirement. The claims readable on the elected species are claims 1-7, 9, 11-24, 26, 28-34.

Accordingly claims 8, 10, 25, 27 are withdrawn without prejudice or disclaimer to the subject matter thereof; however, the applicant reserves the right to file
15 divisional applications based on these claims. Applicant notes that the status of claims 11 and 28 in the above claim listing has been changed back to "original" from "withdrawn" because claims 11 and 28 are "clearly obvious variants of the invention presented in claims 9 and 26 and are not considered to be patentably distinct from each other", according to the comments made by Examiner in the Office action of
20 11/16/2005.

No new matter is introduced in this response to Office action. Consideration of claims 1-7, 9, 11-24, 26, 28-34 readable on the elected species is requested.

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Sincerely yours,



Date: 12/15/2005

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